

Appl. No.: 09/896,853
Response dated January 26, 2004
Reply to Office action of November 28, 2003

REMARKS/ARGUMENTS

Favorable consideration and allowance of the instant application is respectfully requested in view of the following remarks.

The Examiner's rejections, as they pertain to the patentability of the claims, are respectfully traversed.

Claims 11-22 remain rejected under 35 U.S.C. § 102(b) as being anticipated by Pruehs et al. (US 4,898,621). This rejection is again respectfully traversed for the following reasons.

Initially, Applicant would like to note that it is very well settled that a factual determination of anticipation requires the disclosure, in a single reference, of each and every element of the claimed invention, and an Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. See, In re Levy, 17 USPQ2d 1561 (Bd. Pat. App. & Interv. 1990).

Applicant respectfully submits that nowhere within the Pruehs reference are the claimed processes of enhancing the cleaning performance of a laundry detergent and cleaning textiles disclosed. The Pruehs reference is strictly directed to rinsing aids for use in dishwashing machines and not at all concerned with laundry detergents for use in washing machines. As a result, this reference cannot serve to anticipate the claimed invention.

Finally, with regard to claim 17, Applicant would again like to note that claim 17 requires that the hydroxy mixed ether be added to an aqueous laundry detergent composition, not just any composition in general. Since the Pruehs reference fails to disclose this element of the claimed invention, it cannot serve to anticipate said invention.

Accordingly, for all of the above-stated reasons, reconsideration and withdrawal

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of this rejection is respectfully requested.

Claims 11-23 remain rejected under 35 U.S.C. § 102(b) as being anticipated by Schmid et al., (DE 19738866). This rejection is again respectfully traversed for the following reasons.

Once again, Applicant would like to note that it is very well settled that a factual determination of anticipation requires the disclosure, in a single reference, of each and every element of the claimed invention, and an Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. See, In re Levy, 17 USPQ2d 1561 (Bd. Pat. App. & Int. 1990).

With respect to the process claims, Applicant respectfully submits that the process claims involve both enhancing the cleaning performance of an aqueous laundry detergent by adding thereto the claimed hydroxy mixed ether and the cleaning of textiles using a laundry detergent containing said hydroxy mixed ethers. While the Schmid reference does appear to use the phrase "home laundry" in the use portion of the Abstract submitted by the Examiner, it is somewhat unclear as to what exactly this phrase refers to in view of the fact that ALL of the uses disclosed in said paragraph relate to the cleaning of hard surfaces, i.e., glass, crockery, metals, plastics, stone floors and lacquered metals. Home laundry appears to refer to the cleaning of hard surfaces found within the home, as opposed to industrial sites. Since the Schmid reference fails to unambiguously disclose the claimed processes of enhancing the cleaning performance of an aqueous laundry detergent by adding thereto the claimed hydroxy mixed ether and the cleaning of textiles using a laundry detergent containing said hydroxy mixed ethers, it cannot serve to anticipate the claimed invention.

Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

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It is believed that the foregoing reply is completely responsive under 37 CFR 1.111 and that all grounds for rejection are completely avoided and/or overcome. A Notice of Allowance is therefore earnestly requested.

The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview.

Respectfully submitted,



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